

Service Date: April 26, 1988

FINAL ORDER NO. 5842

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

|                                     |   |                   |
|-------------------------------------|---|-------------------|
| In the Matter of the Application of | ) | DOCKET NO. T-9163 |
| KOBER TRUCKING, INC., Billings, MT  | ) |                   |
| for a Certificate of Public Conven- | ) | ORDER NO. 5842    |
| ience and Necessity.                | ) |                   |

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On December 18, 1987, Kober Trucking, Inc., 3209 Grand Avenue, Billings, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of 1) building materials, equipment and supplies for the account of Kober Construction, Inc. and Kober Homes, Inc., and 2) modular buildings without steel structure or frame, restricted against the transportation of mobile homes, Class C, between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public January 6, 1988. That notice said in pertinent part:

If no written protests are received by January 26, 1988, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were received, and on February 23, 1988, the Commission gave notice of the scheduled public hearing for Docket T-9163. The Commission rescheduled this public hearing on March 15, 1988. The hearing was held on April 6, 1988, in the Fire Station, Billings, Montana. All protests were withdrawn at that hearing after the Commission's acceptance of the Applicant's following amendment to the application:

a) Building materials, equipment and supplies (except petroleum and petroleum products in bulk in tank vehicles) for the account of Kober Construction, Inc. and Kober Homes, Inc., and

b) Modular buildings built in one or more sections at a factory, designed to be moved to a site on a modular transporter wherein the load is carried at the outer rim joists of the building unit; RESTRICTED against the transportation of mobile homes with steel frames, two or more modular units that are not separated, and single units exceeding 18 feet in width (exclusive of eaves) and 16 feet loaded height. The restrictions do not apply to new constructions built by Kober Homes, Inc.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 18th day of April, 1988, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and

things in Docket No. T-9163, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of KOBER TRUCKING, INC., Billings, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - a) Building materials, equipment and supplies (except petroleum and petroleum products in bulk in tank vehicles) between all points and places in the State of Montana for the account of Kober Construction, Inc. and Kober Homes, Inc.; and b) Modular buildings built in one or more sections at a factory, designed to be moved to a site on a modular transporter wherein the load is carried at the outer rim joists of the building unit, between all points and places in the State of Montana; RESTRICTED against the transportation of mobile homes with steel frames, two or more modular units that are not separated, and single units exceeding 18 feet in width (exclusive of eaves) and 16 feet loaded height. The restrictions do not apply to new constructions built by Kober Homes, Inc.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 18th day of April, 1988, by a vote of 3 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

---

TOM MONAHAN, Commissioner

---

HOWARD L. ELLIS, Vice Chairman

---

DANNY OBERG, Commissioner

ATTEST:

Carol A. Frasier  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision.  
A motion to reconsider must be filed within ten (10) days. See 38.2.4806,  
ARM.